

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

LARRY E. CHARLES and SHIRLEY M. CHARLES, <i>Debtors.</i>	:	Case No. 19-10095-TPA Chapter 12
RONDA WINNECOUR, CHAPTER 12 TRUSTEE, <i>Movant,</i>	:	Related to Doc. 148, 138
v. NO RESPONDENT.	:	

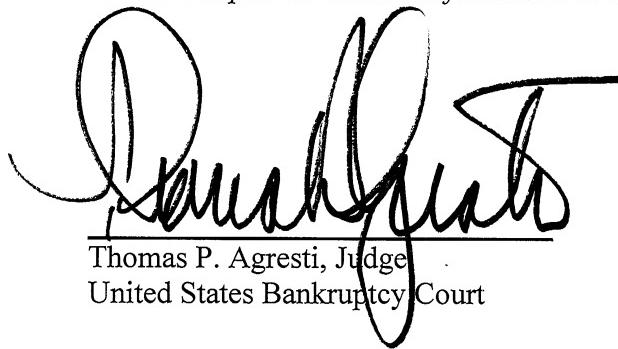
**ORDER**

The Chapter 12 Trustee has filed her *Trustee's Status Report of Plan Payments and Distributions for August, September, and October 2019* on October 25, 2019 (Doc. 148). The matters referenced appear to be in order, and the Court accepts the same with the below clarifications.

While the Trustee is following the literal text of the *Chapter 12 Plan Confirmation Order* ("Confirmation Order") entered on September 13, 2019, she indicates the payment to Counsel for the Debtor, Attorney Brian Thompson, is being held in the Trustee's escrow account and not identified as a distribution in each of the two monthly reports. To her credit, she is following the language proposed by Debtor's Counsel in the *Confirmation Order*, even though the Court believes the more correct approach would be to show it as a distribution with a note that it is held in escrow consistent with the terms of the *Confirmation Order*. Without "getting into the weeds" as to the technically correct approach, the Court will modify the *Confirmation Order* to direct the monthly attorney fees be paid with all other distributions and be held in escrow by Debtor's Counsel rather than by the Trustee. Therefore,

*AND NOW*, this **31<sup>st</sup>** day of **October 2019**, for the reasons stated above, it is hereby  
**ORDERED, ADJUDGED, and DECREED** that the ***Chapter 12 Plan Confirmation Order*** (Doc.  
138) is modified as follows:

- (1) For purposes of the November 2019 distribution and thereafter, attorney fees in the amount of **\$583.33 per month** are to be paid to Atty. Brian Thompson, which are to be held in Atty. Thompson's IOLTA account pending further Court Order.
- (2) All monies currently held by the Trustee, which include \$583.33 for the September 2019 distribution and \$583.33 for the October 2019 distribution, shall be paid to Atty Thompson and held in his IOLTA account pending further Court Order.
- (3) In all other respects, the terms of the ***Chapter 12 Plan Confirmation Order*** (Doc. 13) remain in full force and effect.



Thomas P. Agresti, Judge  
United States Bankruptcy Court

Case administrator to serve:

Brian Thompson, Esq.  
Jill Locnikar, Esq.  
David Scott, Esq.  
Kelly Neal, Esq.  
Ronda Winnecour, Esq.  
Debtors

In re:  
Larry E. Charles  
Shirley M. Charles  
Debtors

Case No. 19-10095-TPA  
Chapter 12

## CERTIFICATE OF NOTICE

District/off: 0315-1

User: dkam  
Form ID: pdf900

Page 1 of 1  
Total Noticed: 2

Date Rcvd: Nov 01, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 03, 2019.

db/jdb +Larry E. Charles, Shirley M. Charles, 1407 Deckards Run Road, Cochranton, PA 16314-9343  
atty +Ronda J. Winnecur, Suite 3250, USX Tower., 600 Grant Street, Pittsburgh, PA 15219-2702

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE.

TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 03, 2019

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 1, 2019 at the address(es) listed below:

Brian C. Thompson on behalf of Debtor Larry E. Charles bthompson@ThompsonAttorney.com,  
blemon@thompsonattorney.com;mgillespie@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@  
thompsonattorney.com;bwamsley@thompsonattorney.com;mswenson@thompsonattorney.com  
Brian C. Thompson on behalf of Joint Debtor Shirley M. Charles bthompson@ThompsonAttorney.com,  
blemon@thompsonattorney.com;mgillespie@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@  
thompsonattorney.com;bwamsley@thompsonattorney.com;mswenson@thompsonattorney.com  
Christopher P. Schueller on behalf of Creditor Fairport Asset Management II, LLC successor to  
Commerical Loan Investment VII, LLC christopher.schueller@bipc.com, donna.curcio@bipc.com  
Christopher P. Schueller on behalf of Creditor Commercial Loan Investment VII, LLC  
christopher.schueller@bipc.com, donna.curcio@bipc.com  
David A. Scott on behalf of Creditor CNH Industrial Capital America LLC scott@lg-law.com  
James Warmbrodt on behalf of Creditor U.S. Bank National Association, as Trustee, for  
Manufactured Housing Contract Senior/Subordinate Pass-Through Certificate Trust 2002-1  
bkgroup@kmlawgroup.com  
James Warmbrodt on behalf of Creditor DITECH FINANCIAL LLC bkgroup@kmlawgroup.com  
Jill Locnikar on behalf of Creditor United States of America acting through Farm Service  
Agency jill.locnikar@usdoj.gov,  
patricia.fitzgerald@usdoj.gov;caseview.ecf@usdoj.gov;Marla.Kirkland@usdoj.gov  
Kelly M. Neal on behalf of Creditor Fairport Asset Management II, LLC successor to Commerical  
Loan Investment VII, LLC kelly.neal@bipc.com, donna.curcio@bipc.com  
Kelly M. Neal on behalf of Creditor Commercial Loan Investment VII, LLC kelly.neal@bipc.com,  
donna.curcio@bipc.com  
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov  
Robert S. Adams on behalf of Creditor CNH Industrial Capital America LLC  
radams@pollockbegg.com, legaldudersa@msn.com;legaldudersa@hotmail.com  
Ronda J. Winnecur cmevf@chapter13trusteewdpa.com

TOTAL: 13